

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

OMARR L. BURNETT,
Plaintiff,

No. C 09-04693 SBA (PR)

v.

**ORDER OF DISMISSAL WITHOUT
PREJUDICE**

DEPUTY FRAYNE, et al.,
Defendants.

Plaintiff, who was formerly housed at the San Mateo County Jail, filed the present pro se prisoner complaint under 42 U.S.C. § 1983. On October 7, 2013, mail directed to Plaintiff by the Court was returned to the Clerk of the Court with a notation that it was undeliverable because he was "NOT IN CUSTODY." To date, Plaintiff has not updated his address with the Court or submitted any further pleadings in this case.

Pursuant to Northern District Local Rule 3-11 a party proceeding pro se whose address changes while an action is pending must promptly file a notice of change of address specifying the new address. See L.R. 3-11(a). The court may, without prejudice, dismiss a complaint when: (1) mail directed to the pro se party by the court has been returned to the court as not deliverable, and (2) the court fails to receive within sixty days of this return a written communication from the pro se party indicating a current address. See L.R. 3-11(b).

More than sixty days have passed since the mail directed to Plaintiff by the Court was returned as undeliverable. The Court has not received a notice from Plaintiff of a new address. Accordingly, the complaint is DISMISSED without prejudice pursuant to Rule 3-11 of the Northern District Local Rules. The Court has rendered its final decision on this matter, therefore, this Order TERMINATES Plaintiff's case.

IT IS SO ORDERED.

DATED: 12/9/2013


SAUNDRA BROWN ARMSTRONG
United States District Judge